

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

PATRICK M. DUNNOM

06-100004-X-01

Defendant.

Defendant Patrick M. Dunnom was sentenced in the Western District of Wisconsin on March 16, 2007, following his conviction for operating after revocation, in violation of Wis. Stat. § 343.44(1)b and resisting or obstructing an officer, in violation of Wis. Stat. § 946.01, Class A misdemeanors assimilated by 18 U.S.C. § 13. The court sentenced defendant to a three year term of probation.

On May 26, 2009, this court held a hearing on the probation office's petition for judicial review of defendant's probation. At the hearing defendant stipulated that he violated the special condition of probation that he abstain from the use of alcohol: on March 7, March 8, and May 3, 2009, defendant consumed alcohol. Defendant stipulated that he violated the standard condition of probation that he police contact within 72 hours: defendant failed to report police contacts that occurred on March 8, March 9, and May 3, 2009, to the U.S. Probation Office. Defendant stipulated that he violated the standard condition of probation to submit a complete written report within the first five days of each month: defendant failed to submit his monthly report forms since October 2008.

Defendant's conduct falls into the category of a Grade C violation, as defined by §7B1.1(a)(3) of the sentencing guidelines policy statement for violations of probation. In

addressing such violations, the Court has the discretion to revoke probation, extend the term of probation, or modify the conditions of probation. With a criminal history category of III, defendant has an advisory guideline term of imprisonment of 5 to 11 months.

At the hearing, defendant reported that he is in a six-month work study training program in La Crosse that began in April and ends in October. I am willing to give defendant the opportunity successfully to complete this program so long as he also can comply with the requirements of his federal probation, including abstaining from alcohol. To help with abstention, I am adding as a condition of probation a 30 day stay at the Fahrman Center in Eau Claire as a bed becomes available. If the probation office determines that a program closer to Sparta can achieve the same results, then I will accede to probation's recommendation regarding treatment. Similarly, if the probation office determines that defendant's work study program is substantive enough so that successful completion of it has objective merit, and if the probation office determines that defendant has improved his performance on probation and has satisfactorily complied with all of his conditions of employment, then the probation office has the option of petitioning the court for early termination of defendant's probation upon him completing the program.

On the other hand, if defendant does not improve his performance on probation and does not hereafter consistently and meaningfully comply with all conditions of his probation, then any future violations likely will result in revocation and significant incarceration.

ORDER

IT IS ORDERED that the period of probation imposed on defendant on March 16, 2007, remains in effect with the addition of Special Condition No. 5 which orders that upon the first available opening, defendant shall reside at a federally approved residential reentry center, specifically Fahrman Center, Eau Claire, Wisconsin, for a period of 30 days. Defendant may be absent from the center for employment purposes and for passes consistent with program rules. Defendant will be required to pay 25% of his gross earnings as per diem as well as pay all medical expenses.

Entered this 26th day of May, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
U.S. Magistrate Judge